

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

I&CAD (IW) Department - SUITS – Final settlement of Arbitration award in respect of the work Earth Work excavation and forming embankment of Kakatiya Canal from K.M.195 to K.M.196 under Agreement No.19/78-79, dated 07-02-1979- Payment of Rs.8,43,693/- to Smt. P. Rajeswari W/o. late Sri P. Kanna Swamy, Contractor - Orders – Issued.

IRRIGATION AND COMMAND AREA DEVELOPMENT (ARB) DEPARTMENT

G.O.Ms.No. 60

Dated: 01-04-2009.
Read the following:-

1. From Smt. P. Rajeswari W/o. late Sri P. Kanna Swamy, representation dated 13-08-2007.
2. G.O.Rt.No.103, I & CAD (ARB) Dept., dated 24-01-2008.
3. Govt.Memo.No.24364/ARB/07, of I & CAD (ARB) Dept., dated 31-01-2008.
4. From the From the ENC, (A.W./IW) I&CAD, Lr.No.ENC/IW/P&M/EEI/DEE.8/300108/08-2, dt.22-05-2008.
5. From the ACE, SRSP, Hyd., Lr.No.ACE/SRSP/DEE.2/AE-3/6926/88/V/2008, dated 16.06.2008.

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O R D E R:

Smt.P.Rajeswari, W/o.Late P.Kanna Swamy, Contractor in the representation first read above, has stated that her husband was entrusted with the work Earth Work excavation and forming embankment of Kakatiya Canal from K.M.195 to K.M.196 under Agt. No.19/78-79, dated 07-02-1979. During the execution of the work, certain disputes have arisen between her husband and the Dept. Those disputes were referred to the Sole Arbitrator. The Sole Arbitrator passed award on 17-01-1989. The Govt. have filed O.P.No.164/1989 to set aside the award whereas her husband filed O.S.No.241/1989 to make the award as rule of court and pass a decree in terms of the award on the file of II Addl. Senior Civil Judge, City Civil Court, Hyderabad. By a common order dated 16-09-1992, the Hon'ble Court while set aside the case filed by the Govt., made the award rule of court and passed a decree in terms of award. Aggrieved by the said judgement and decree, the Govt. filed C.R.P.No.1040/93 and C.M.A. No.310/93 in the Hon'ble High Court. While the cases are pending, her husband died on 20-07-2002. The Hon'ble High Court in its order dated 08-06-2007 directed both the parties to mutually settle the dispute and disposed the cases. She has requested the Government to convene a meeting for settlement of their award amount, as directed by the Hon'ble High Court.

2. Based on the representation and as per the directions of the Hon'ble High Court, in the Govt.Memo. dated 31-01-2008, the case has been referred to the Committee constituted for Telangana Region vide G.O.Rt.No.103, I & CAD (ARB) Dept., dated 24-01-2008 for negotiation with the representative of the Contractor for settlement of claims. The Engineer-in-Chief (AW/IW) I&CAD Dept., and the Chairman & Convener of the Committee and the Administrator-cum-Chief Engineer, Sriramasagar Project, have furnished the report of the Committee vide references fourth and fifth read above.

P.T.O.

3. The Principal Secretary to Government, I & CAD Department has conducted final conciliation on 26-06-2008 with the contractor and the contractor has agreed for a sum of Rs.8,43,693/- as full and final settlement. The wife of the deceased Contractor has furnished an affidavit in this regard by accepting the above amount and declared her willingness to withdraw all legal proceedings in High Court of Andhra Pradesh or in any other Courts in respect of the above works.

4. After careful examination of the matter, Government hereby sanction a balance amount of Rs.8,43,693/- (Rupees eight lakhs forty three thousand six hundred and ninety three only) including interest towards full and final settlement in respect of the work Earth work excavation and forming embankment of Kakatiya Canal from K.M.195 to K.M.196 under Agreement No.19/78-79, dated 07-02-1979 to Smt.P.Rajeswari, W/o.Late P.Kanna Swamy, Contractor.

5. The above sanctioned amount shall be debited to the following Head of Account:

"2701 - M & M.I. 01 - Major Irrigation - 116 - Sriramasagar Project 11 - Normal State Plan 27 - Canals & Distributaries 530 - Major works - 531 Other expenditure.

6. The Administrator-cum-Chief Engineer, Sriramasagar Project, Hyderabad, is directed to arrange to pay the amount sanctioned at para (4) above, to Smt.P. Rajeswari, W/o.late Sri P.Kanna Swamy, contractor, duly deducting the amounts that are recoverable on whatsoever account.

7. This order issues with the concurrence of Fin. (W&P) Department vide their U.O.No.5379/F4(2)/08-1, dt. 07-01-2009.

(BYORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.TUCKER,
PRINCIPAL SECRETARY TO GOVERNMENT.

To

The Administrator-cum-Chief Engineer, Sriramasagar Project, Camp Office, Hyderabad.

The Pay & Accounts Officer, Hyderabad.

The Dy.P.&A.O., Secretariat Buildings, Hyderabad.

Smt.P.Rajeswari, W/o.late Sri P.Kanna Swamy,C/o.P.Ragamma,
D.No.13/242, Gavallapalem, Gudur - 524 101, Nellore District.

Copy to:

The Engineer-in-Chief (A.W/I.W.), I&CAD, Hyderabad.

The I&CAD (P&B) Deptt.,

The Accountant General, A.P., Hyderabad.

The Fin.(Exp.PW) Dept. (with a request to release LOC for the sanctioned amount).

The Advocate-General, High Court of A.P., Hyderabad.

The Govt. Pleader for Arbitration, High Court of A.P., Hyderabad.

SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER.